

REMARKS:

REMARKS REGARDING AMENDMENTS TO THE SPECIFICATION:

The specification has been amended at paragraph [0042] to show that numeral 13 refers to the annular part rather than the hub 12.

REMARKS REGARDING CLAIM AMENDMENTS:

Claims 1 and 10 have been amended and claims 3, 8, 9 and 11 – 13 have been cancelled. Amendments of claim 1 and claim 10 find support in the descriptive portion and the figures of the present application. As amended, claim 1 overcomes rejection under 35 U.S.C. §102(b). It is believed that the above changes place the application in condition for allowance. Therefore, a Notice of Allowance is respectfully solicited.

Claims 1, 2, 4 – 7, and 10 are currently pending in the present invention.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 102:

Claims 1 – 6 and 10 – 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Jirousek et al. (US 4,317,498).

Claim 1 has been amended to recite features of a braking device that are not taught by Jirousek et al. For example, the requirement of amended claim 1 stating, “an annular part overlapping the outer surface to provide a bearing unit;” is not taught by Jirousek et al. Instead, Jirousek et al. at column 3, lines 40 – 46 teaches that, “The wheel assembly 10 also includes a housing 84 of planet carrier 82 which is connected to a supporting member, such as a hub 86 and a rim 88 of a wheel 90. The housing 84, a housing cover 91, and the hub 86 of the supporting member 86, 88 substantially enclose the spindle 14 at the end portion 32 of the shaft 30.” (emphasis added). Compliance to the reference teaching of substantial enclosing of the spindle 14 would require the annular member of the present invention to be inside the hub. Amended claim 1 recites, “the third portion (of the annular member) further having an outer surface having at least one race formed therein for alignment with at least an opposing race in an inner face of an

annular part overlapping at least a portion of the outer surface to provide a bearing unit - - ." This shows that the annular part of the hub, according to the present invention, could have overlap of only a portion of the third portion of the annular member.

Other differences of the present invention from Jirousek *et al.* include the need for the "second portion to have an orthogonal relationship to the first portion and the third portion" and the requirement that the second portion joins the first portion to the third portion. Figure 1 of Jirousek indicates that the portion containing brake disks is centrally located along the spindle 14. According to the present invention brake disks have attachment to the internal surface of the first portion, which is not centrally located in the annular member.

Applicants believe that amended claims 1 and 10 are patentable over the reference of Jirousek *et al.* Claims 2 and 4 – 7 have dependency from claim 1 and should likewise be patentable. Amendment of claims overcomes rejection of claims 1 – 6 and 10 – 13 over the reference of Jirousek *et al.* to place the application in condition for allowance. Request is made for reconsideration and notification of allowance of claims 1, 2, 4 – 7 and 10.

Claims 1 – 12 were further rejected under 35 U.S.C. §102(b) as being anticipated by Kingston (US 6,090,006).

Amended claim 1 of the present invention recites, "an annular part overlapping the outer surface to provide a bearing unit; - - -." Such an arrangement is not taught and would not be possible according to United States Patent No. 6,090,006. The annular part is included with the hub of the present invention. As indicated, the annular part overlaps the outer surface of the ring gear. According to Kingston, such overlap of hub and ring gear cannot occur when the hub 16 projects outwardly of the gear ring 30 (see Figure 1, Figure 2 and column 2, lines 27 – 36).

The reference of Kingston neither teaches nor suggests that the ring gear 30 could be attached to the hub as required by amended claim 1 stating, "the third portion adapted for secure connection to a hub - - -." The third portion of the annular member of the present invention includes the ring gear.

Applicants submit that Kingston neither teaches nor suggests all of the limitations of amended claim 1. It is believed that amended claims 1 and 10 are patentable over the reference. Since claims 2, 4 – 7 have dependency from claim 1, they should likewise be patentable, overcoming rejection of claims under 35 U.S.C. §102(b). Accordingly, request is made for reconsideration and allowance of claims 1, 2, 4 – 7 and 10.

CONCLUSION

Review of the references made of record and not relied upon indicates that they also fail to teach limitations that have been shown to differentiate the present invention from the applied references that include Jirousek et al. and Kingston.

The references of Keese (US 4,037,694) and Logan (US 4,646,880) and Forster (US 5,813,938) teach hubs, bearing arrangements, and, in the case of Keese and Logan, multiple disc brake mounting assemblies differing from claims according to the present invention.

Applicants have made an earnest attempt to address all the points included in the Office Action and submit that amendment of claim 1 places the application in condition for allowance. Given the above, Applicant requests that the rejection of claims under 35 U.S.C. §102(b) be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims 1, 2, 4 – 7 and 10 in the next paper from the Office.

Serial No.: 10/709,483
Confirmation No.: 1684
Applicants: KINGSTON, Timothy *et al.*
Atty. Ref.: 7589.165.PCUS00

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 7589.165.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy W. Druce".

Tracy W. Druce
Patent Attorney
Reg. No. 35,493
Tel. 713.571.3400